

ESTTA Tracking number: **ESTTA672424**Filing date: **05/14/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Zuffa, LLC		
Entity	Limited liability company	Citizenship	Nevada
Address	2960 West Sahara Avenue Las Vegas, NV 89102 UNITED STATES		
Attorney information	M. Feder, J. Craft, J. Krieger, J. Myers Gordon & Silver, Ltd. 3960 Howard Hughes Parkway, 9th Floor Las Vegas, NV 89169 UNITED STATES TRADEMARKS@GORDONSILVER.COM Phone:(702) 796-5555		

Applicant Information

Application No	86449015	Publication date	04/14/2015
Opposition Filing Date	05/14/2015	Opposition Period Ends	05/14/2015
Applicant	HANGZHOU TRACKER TRADING CO.,LTD. 4/F,South Gate,E,No.391 Hangzhou,Zhejiang, CHINA		

Goods/Services Affected by Opposition

Class 018. First Use: 2013/03/28 First Use In Commerce: 2014/05/15

All goods and services in the class are opposed, namely: Briefcases; Canvas shopping bags; Garment bags for travel; Leather shopping bags; Luggage; Mesh shopping bags; Muzzles; Pocket wallets; Reusable shopping bags; School bags; Shopping bags made of skin; Shopping bags with wheels attached; String bags for shopping; Textile shoppingbags; Travel bags; Traveling bags; Umbrellas; Unfitted vanity cases; Vanity cases sold empty; Wheeled shopping bags

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Application No.	86019701	Application Date	07/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OCTAGON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Headphones and other audio and electronic equipment, namely, audio speakers and electronic docking stations


U.S. Registration No.	4037431	Application Date	09/14/2010
Registration Date	10/11/2011	Foreign Priority Date	NONE
Word Mark	OCTAGON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2009/07/10 First Use In Commerce: 2009/07/10 Toys, consisting of toy action figures, mechanical action toys, electronic action toys, action figures and accessories therefor; Toys, namely, play sets and action figures associated with the field of mixed martial arts		


U.S. Registration No.	4372981	Application Date	05/11/2011
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	OCTAGON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2011/05/04 First Use In Commerce: 2011/05/04 Entertainment in the nature of multi-disciplined fighting competitions; organizing, arranging and conducting mixed martial arts fighting exhibitions and competitions; entertainment, namely, live stage shows and performances featuring sports and mixed martial arts; entertainment in the nature of on-going programs in the field of sports and mixed martial arts broadcast over television, cable, satellite, Internet and audio and visual media; production of on-going entertainment shows and interactive entertainment programs for distribution via television, cable, satellite, Internet, audio and visual media and electronic means; providing news and information in the fields of entertainment, sports and mixed martial arts; providing a website featuring information on the subjects of entertainment, sports and mixed martial arts; on-line electronic newsletters and newsletters delivered by email in the field of current events; news and information featuring sports, mixed martial arts and entertainment; health club services, namely, providing instruction and equipment in the field of physical exercise; providing fitness and exercise facilities; physical fitness consultation, instruction and training services; conducting fitness classes; physical fitness studio services, namely, providing exercise classes, body sculpting classes and group fitness classes; providing a web site featuring information on exercise and fitness

U.S. Registration No.	3787078	Application Date	08/27/2009
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	OCTAGON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2009/02/21 First Use In Commerce: 2009/02/21 Providing health club services, namely, providing fitness and exercise facilities; instruction services, namely, instruction in the field of health and physical fitness; educational services, namely, instruction and training in the fields of fitness and		

	nutrition; instruction programs in the field of health and physical fitness, namely, providing exercise classes for groups of individuals		
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U.S. Application No.	86019710	Application Date	07/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OCTAGON		
Design Mark			
Description of Mark	The mark consists of an octagon design cut in three parts diagonally with the stylized word "OCTAGON" to the right of the design.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Headphones and other audio and electronic equipment, namely, audio speakers and electronic docking stations		

U.S. Application No.	77753015	Application Date	06/05/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OCTAGON GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Clothing, namely, halters, tank tops, bathing suits, sports bras, underwear, and other shirts, shorts		

U.S. Registration No.	4026333	Application Date	04/06/2007
Registration Date	09/13/2011	Foreign Priority Date	NONE
Word Mark	OCTAGON GIRLS		

Design Mark	OCTAGON GIRLS
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/05/00 First Use In Commerce: 2009/05/00 Clothing, namely, tank tops, shorts and underwear

U.S. Registration No.	4400446	Application Date	06/05/2009
Registration Date	09/10/2013	Foreign Priority Date	NONE
Word Mark	OCTAGON GIRL		
Design Mark	OCTAGON GIRL		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2008/06/05 First Use In Commerce: 2008/06/05 Event programs, trading cards, calendars, greeting cards, photographs</p> <p>Class 035. First use: First Use: 2005/01/18 First Use In Commerce: 2005/01/18 online retail store featuring clothing, calendars, greeting cards, trading cards, and other mixed martial arts merchandise; promoting the night club and party services of others and modeling for marketing and sales promotion</p> <p>Class 041. First use: First Use: 2002/11/22 First Use In Commerce: 2002/11/22 Entertainment services, namely, professional ring card girls and models that display ring cards at live mixed martial arts events and provide interviews; nightclub services and entertainment services, namely, party services including parties associated with mixed martial arts entertainment events; and fan club services</p>		

U.S. Registration No.	3931260	Application Date	04/06/2007
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	OCTAGON GIRLS		

Design Mark	OCTAGON GIRLS
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1994/03/11 First Use In Commerce: 1994/03/11 Entertainment services in the nature of modeling performances during martial arts competitions

U.S. Registration No.	4396410	Application Date	08/10/2009
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	THE OCTAGON OF POKER		
Design Mark	THE OCTAGON OF POKER		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2013/04/13 First Use In Commerce: 2013/04/13 Entertainment and gaming services, namely, arranging, organizing and providing online games of chance and online card games and providing live games of chance and live card games; entertainment services, namely, conducting gaming contests and tournaments; entertainment services, namely, arranging, organizing and conducting online gaming contests and tournaments		


U.S. Registration No.	4396411	Application Date	08/10/2009
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	THE OCTAGON OF POKER		

Design Mark	THE OCTAGON OF POKER
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2013/04/13 First Use In Commerce: 2013/04/13 Computer services, namely, creating and maintaining an online community for registered users to participate in contests, tournaments, games of chance and card games, showcase their skills, get feedback from peers and participate in discussions, form virtual communities, engage in social networking and improve their skills

U.S. Registration No.	3569912	Application Date	06/26/2008
Registration Date	02/03/2009	Foreign Priority Date	NONE
Word Mark	EL OCTAGONO DEL UFC		
Design Mark	EL OCTAGONO DEL UFC		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/05/10 First Use In Commerce: 2008/05/10 Entertainment, namely, live stage shows and performances featuring sports and mixed martial arts; and entertainment in the nature of an on-going television program in the field of sports and mixed martial arts		

U.S. Registration No.	4396414	Application Date	08/21/2009
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	POKER OCTAGON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2013/04/13 First Use In Commerce: 2013/04/13 Entertainment and gaming services, namely, arranging, organizing and providing online games of chance and online card games and providing live games of chance and live card games; entertainment services, namely, conducting gaming contests and tournaments; entertainment services,namely, arranging, organizing and conducting online gaming contests and tournaments

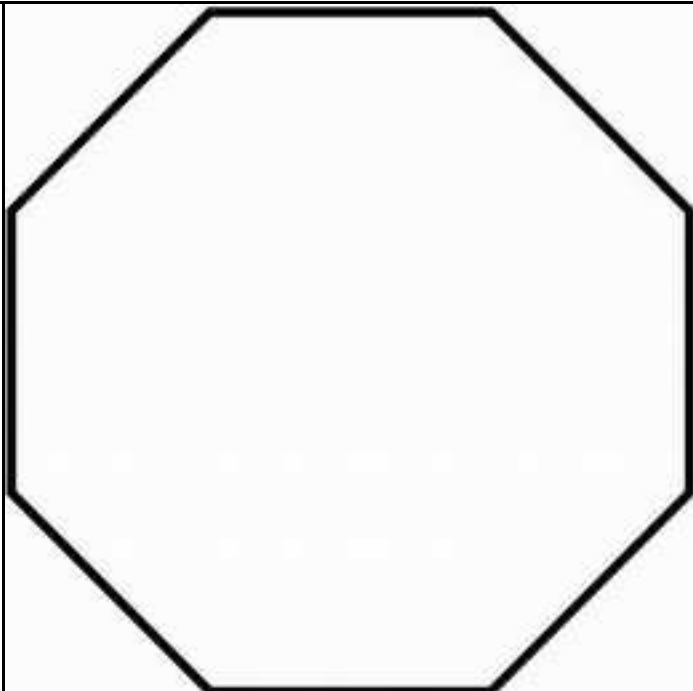
U.S. Registration No.	4396415	Application Date	08/21/2009
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	POKER OCTAGON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2013/04/13 First Use In Commerce: 2013/04/13 Computer services, namely, creating andmaintaining an online community for registered users to participate in contests, tournaments, games of chance and card games, showcase their skills, get feedback from peers and participate in discussions, form virtual communities, engage in social networking and improve their skills		

U.S. Registration No.	3598929	Application Date	06/18/2001
Registration Date	03/31/2009	Foreign Priority Date	NONE
Word Mark	IF IT'S NOT IN THE OCTAGON IT'S NOT REAL		

Design Mark	<p>IF IT'S NOT IN THE OCTAGON IT'S NOT REAL</p>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/05/31 First Use In Commerce: 2005/05/31 Entertainment services, namely, arranging and conducting mixed martial arts competitions and events; providing information regarding mixed martial arts; production of programs featuring mixed martialarts competitions and events for television, cable, satellite, audio and globalcomputer networks

U.S. Registration No.	3431804	Application Date	06/18/2001
Registration Date	05/20/2008	Foreign Priority Date	NONE
Word Mark	IF IT'S NOT IN THE OCTAGON IT'S NOT REAL		
Design Mark	<p>IF IT'S NOT IN THE OCTAGON IT'S NOT REAL</p>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/12/12 First Use In Commerce: 2006/12/12 digital video discs and digital versatile discs featuring mixed martial arts competitions, events and programs		

U.S. Registration No.	4372982	Application Date	05/11/2011
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the design of an octagon.
Goods/Services	Class 025. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 Belts; bottoms; coats; dresses; gloves; headwear; jackets; loungewear; scarves; sleepwear; socks; sweatbands; swimwear; tops; undergarments; warm up suits

U.S. Registration No.	4222605	Application Date	02/18/2011
Registration Date	10/09/2012	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	The mark consists of an octagon design cut in three parts diagonally.
Goods/Services	Class 025. First use: First Use: 2010/07/01 First Use In Commerce: 2010/07/01 Belts; Bottoms; Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Loungewear; Scarves; Sleepwear; Socks; Sweatbands;Swimwear; Tops; Undergarments; Warm up suits

U.S. Application No.	86417293	Application Date	10/07/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ULTIMATE FIGHTING CHAMPIONSHIP
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Design Mark	
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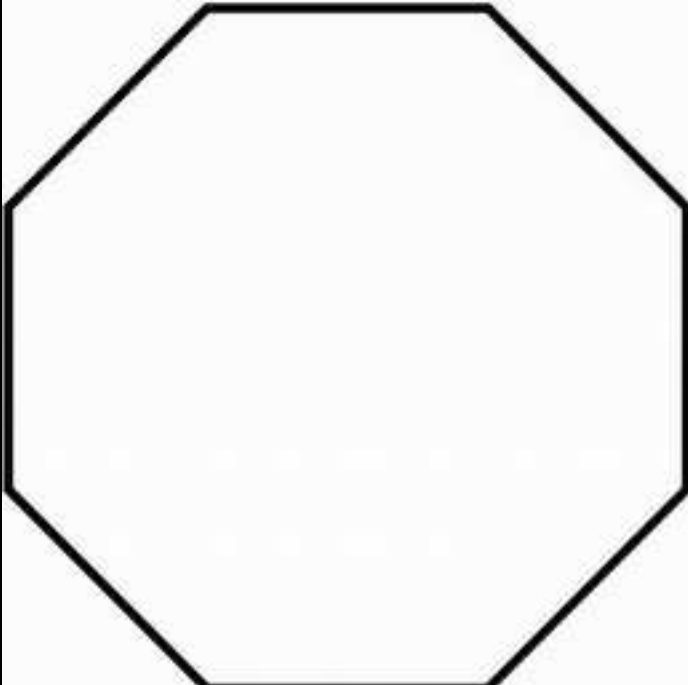
Description of Mark	The mark consists of a man with right fist raised standing behind the earth with a banner with the text "ULTIMATE FIGHTING CHAMPIONSHIP" written across it waving across the earth, with three triangles pointing to the man, all in front of an octagon shaped cage.
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Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Belts; Bottoms; Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Loungewear; Scarves; Sleepwear; Socks; Sweatbands;Swimwear; Tops; Undergarments; Warm up suits
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U.S. Registration No.	2981638	Application Date	09/30/2002
Registration Date	08/02/2005	Foreign Priority Date	NONE

Word Mark	UFC ULTIMATE FIGHTING CHAMPIONSHIP
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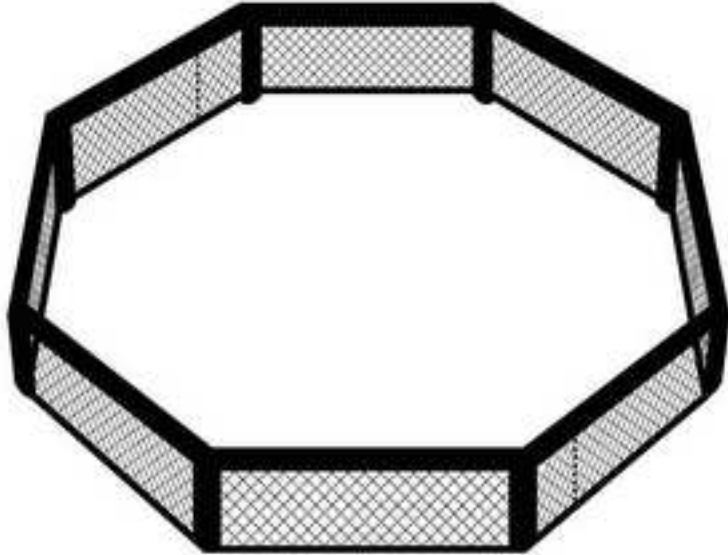
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 gloves

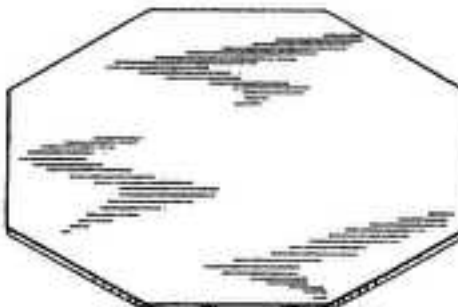
U.S. Application No.	86356955	Application Date	08/04/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the outline of an octagon-shaped cage or ring.		
Goods/Services	Class 041. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00		

	Entertainment in the nature of multi-disciplined fighting competitions; organizing, arranging and conducting mixed martial arts fighting exhibitions and competitions; entertainment, namely live stageshows and performances featuring sports and mixed martial arts; entertainment in the nature of on-going programs in the field of sports and mixed martial arts broadcast over television, cable, satellite, Internet and audio and visual media; production of on-going entertainment shows and interactive entertainment programs for distribution via television, cable, satellite, Internet, audio and visual media and electronic means; providing news and information in the fields of entertainment, sports and mixed martial arts; providing a website featuring information on the subjects of entertainment, sports and mixed martial arts; on-line electronic newsletters and newsletters delivered by email in the field of current events; news and information featuring sports, mixed martial arts and entertainment; health club services, namely, providing instruction and equipment in the field of physical exercise; providing fitness and exercise facilities; physical fitness consultation, instruction and training services; conducting fitness classes; physical fitness studio services, namely providing exercise classes, body sculpting classes and group fitness classes; providing a web site featuring information on exercise and fitness
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U.S. Application No.	86019719	Application Date	07/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of an octagon design cut in three parts diagonally.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Headphones and other audio and electronic equipment, namely, audio speakers and electronic docking stations		

U.S. Registration No.	4706148	Application Date	03/07/2013
Registration Date	03/24/2015	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	The mark consists of a three-dimensional configuration of an octagon-shaped cage or ring. The doors into the ring and the chain link fencing shown in broken lines serve to show functional elements and form no part of the mark.
Goods/Services	Class 041. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 Entertainment, namely, live stage shows and performances featuring sports and mixed martial arts; entertainment in the nature of an on-going multimedia program in the field of sports and mixed martial arts; health club services, namely, providing fitness, personal training and exercise facilities and equipment; providing instruction in the fields of fitness, personal training, exercise and mixed martial arts; providing instructional programs and classes in fields of fitness, personal training, exercise and mixed martial arts; arranging, organizing, conducting and hosting mixed martial arts exhibitions; arranging, organizing, conducting and hosting classes, seminars, and workshops on physical fitness, sports and mixed martial arts

U.S. Registration No.	2098577	Application Date	04/27/1995
Registration Date	09/23/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of an eight-sided competition mat.		

Goods/Services	Class 041. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 entertainment in the nature of multi-disciplined fighting competitions		
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U.S. Registration No.	4634371	Application Date	09/04/2013
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Registration Date	11/04/2014	Foreign Priority Date	NONE
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Word Mark	UFC		
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Design Mark			
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Description of Mark	The mark consists of an octagon design cut in three parts diagonally with the stylized letters "UFC" to the right of the design.		
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Goods/Services	Class 028. First use: First Use: 2013/09/01 First Use In Commerce: 2013/09/01 exercise weights; exercise bars; exercise and fitness equipment and accessories, namely, personal exercise mats and exercise gloves; boxing and mixed martial arts equipment, namely, bag gloves, mixedmartial arts gloves, boxing gloves, focus mitts, punching mitts, shin guards, punching bags, heavy bags, free standing bags; pads for use in boxing and mixed martial arts, namely, kick pads, target pads, Thai pads and shin pads; head guards, chest protectors, and body shields for use in mixed martial arts and boxing; playing cards		
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U.S. Application No.	86055968	Application Date	09/04/2013
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	UFC		
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Design Mark			
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Description of Mark	The mark consists of an octagon design cut in three parts diagonally with the stylized letters "UFC" to the right of the design.		
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Goods/Services	Class 028. First use: First Use: 0 First Use In Commerce: 0 Exercise machines; manually-operated exercise equipment; exercise benches; action figures; electronic action toys; mechanical toys; play sets for action figures and toys associated with the field of mixed martial arts; soft sculpture toys;bath toys; dolls and accessories therefor; bobble head dolls; water toys; yo-yos; action skill games; amusement game machines; board games; puzzles; parlor games; party games;gaming chips; dice; coin-operated video games; playground balls;sport balls; pumps for inflating sportsequipment, namely, playground balls andsport balls		
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U.S. Registration	4544845	Application Date	04/12/2013
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No.			
Registration Date	06/03/2014	Foreign Priority Date	NONE
Word Mark	THE ULTIMATES 2013		
Design Mark			
Description of Mark	The mark consists of the words "THE ULTIMATES 2013" superimposed over an octagon design, and a smaller octagon design cut into three parts diagonally under the wording.		
Goods/Services	Class 041. First use: First Use: 2013/07/05 First Use In Commerce: 2013/07/05 Arranging, organizing, conducting, and hosting entertainment events for mixed martial arts and sports fans; arranging, organizing, conducting and hosting mixed martial arts, martial arts, wrestling, grappling, kickboxing and boxing exhibitions, competitions and tournaments; entertainment services, namely, personal appearances by mixed martial arts fighters, athletes, models and celebrities; education and training services in the nature of physical fitness, sports and mixed martial arts; arranging, organizing, conducting and hosting classes, seminars, conferences, workshops on physical fitness, sports and mixed martial arts; and providing a website featuring information about sports and mixed martial arts		

U.S. Registration No.	3650069	Application Date	09/29/2008
Registration Date	07/07/2009	Foreign Priority Date	NONE
Word Mark	UFC FIGHT NIGHT LIVE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/07/19 First Use In Commerce: 2008/07/19 Entertainment services, namely, arranging and conducting mixed martial arts competitions and events; providing information regarding mixed martial arts; production of programs featuring mixed martialarts competitions and events for distribution over television, cable, satellite, audio and global computer networks		

U.S. Registration No.	3052007	Application Date	05/01/2002
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	UFC ULTIMATE FIGHTING CHAMPIONSHIP		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 041. First use: First Use: 2001/05/00 First Use In Commerce: 2001/05/00 Entertainment, namely live stage shows and performances featuring mixed martialarts; educational services, namely, providing information on the subject of sports and entertainment; providing a website on global computer networks featuring information on the subject of sports and entertainment; production of entertainment shows and interactive entertainment programs for distribution via television, cable, satellite, audio and video media cartridges, laser discs, computer discs and electronic means; production and distribution of entertainment shows and news programs via global communication networks

Attachments	86019701#TMSN.png(bytes) 85129539#TMSN.png(bytes) 85318709#TMSN.png(bytes) 77814508#TMSN.png(bytes) 86019710#TMSN.png(bytes) 77753015#TMSN.png(bytes) 77150645#TMSN.png(bytes) 77983490#TMSN.png(bytes) 77150655#TMSN.png(bytes) 77800948#TMSN.png(bytes) 77800956#TMSN.png(bytes) 77509443#TMSN.png(bytes) 77810566#TMSN.png(bytes) 77810571#TMSN.png(bytes) 76978943#TMSN.png(bytes) 76978761#TMSN.png(bytes) 85318710#TMSN.png(bytes) 85246463#TMSN.png(bytes) 86417293#TMSN.png(bytes) 76977283#TMSN.png(bytes) 86356955#TMSN.png(bytes) 86019719#TMSN.png(bytes) 85870001#TMSN.png(bytes) 74673129#TMSN.png(bytes) 86975480#TMSN.png(bytes) 86055968#TMSN.png(bytes) 85903279#TMSN.png(bytes) 77581257#TMSN.png(bytes) 76402817#TMSN.png(bytes) Notice of Opposition to OCTAGON 86449015.pdf(56697 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Michael N. Feder/
Name	Michael N. Feder
Date	05/14/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Zuffa, LLC, a Nevada limited liability
company,

Opposer,

v.

Hangzhou Tracker Trading Co., Ltd., a
Chinese limited liability company

Applicant.

Mark: OCTAGON (Stylized)

Serial No: 86449015

Published: April 14, 2015

NOTICE OF OPPOSITION

Pursuant to 15 U.S.C. § 1063 and 37 C.F.R. §§ 2.101 and 2.104(a), Opposer Zuffa, LLC (“Zuffa”), a Nevada limited liability company with its principal place of business at 2960 W. Sahara Avenue, Las Vegas, Nevada 89102, believes it will be damaged by registration of the mark OCTAGON (Stylized) in International Class 18 (Serial No. 86449015) (“Opposed Mark”) published on April 14, 2015, and hereby opposes the same. As grounds for its opposition, Zuffa alleges as follows:

1. Zuffa owns the Ultimate Fighting Championship brand and is one of the world’s leading promoters of mixed martial arts (“MMA”) competitions and events.

2. Zuffa and/or Zuffa’s predecessor-in-interest first began using its OCTAGON mark in connection with its services at least as early as September 1993.

3. Zuffa organizes and produces live and televised fights featuring mixed martial arts competitions as well as sells merchandise under various OCTAGON and OCTAGON-formative marks (collectively, “OCTAGON Marks”).

4. Television content containing one or more of Zuffa’s OCTAGON Marks is broadcast in over 149 countries/territories, in 20 different languages, reaching over a half-a-billion households.

5. Zuffa’s Pay-Per-View events, which are provided in connection with the

OCTAGON Marks, are viewed by millions of people each year around the world.

6. Between 2001 and 2013, Zuffa's sales from just its live events totaled in excess of Three Hundred Million Dollars (\$300,000,000).

7. Zuffa has spent, and continues to invest, a substantial amount of time, resources and money in protecting, advertising and promoting the OCTAGON Marks.

8. Zuffa's OCTAGON Marks are advertised and promoted not only in the U.S., but also internationally, using a wide range of methods and forums (including television, radio, print media, billboards, publicity tours, expos, shows, the internet (including UFC brand websites), social media, cross-promotions, celebrity endorsement, e-newsletters and more).

9. Between 2007 and 2012, Zuffa expended over One Hundred Thirty Three Million Dollars (\$133,000,000) in advertising its UFC and OCTAGON Marks in the U.S. alone.

10. Zuffa also has a prominent online presence. Its website, www.ufc.com, which provides for online shopping, including the sale of OCTAGON branded merchandise, attracts more than 6 million visits monthly.


11. Between 2004 and 2012, Zuffa generated over Fifteen Million Dollars (\$15,000,000) in revenues from product sales from Zuffa's website alone.

12. From 2007 through 2012 in the U.S., Zuffa generated over Five Hundred Million Dollars (\$500,000,000) in revenues from the sales of Zuffa's products and services sold in connection with its UFC and OCTAGON Marks.












13. As a result of Zuffa's long-time use of its OCTAGON Marks, the OCTAGON Marks have become exclusively associated with Zuffa's services and goods bearing the OCTAGON Marks and are immediately identified by consumers as originating from Zuffa.

14. Zuffa's rights in its OCTAGON Marks are evidenced by its ownership of numerous registrations and prior-filed applications for its OCTAGON Marks, in standard character and stylized format, for a variety of goods including:

- OCTAGON, Class 9, Serial No. 86019701, Filed July 25, 2013;
- OCTAGON, Class 28, Registration No. 4037431, Registered October 11, 2011;

- OCTAGON, Class 41, Registration No. 4372981, Registered July 23, 2013;
- OCTAGON, Class 41, Registration No. 3787078, Registered May 11, 2010;
-  octagon, Class 9, Serial No. 86019710, Filed June 24, 2014;
- OCTAGON GIRL, Class 25, Ser. No. 77753015, Filed June 5, 2009;
- OCTAGON GIRLS, Class 25, Registration No. 4026333, Registered September 13, 2011;
- OCTAGON GIRL, Classes 16, 35, and 41, Reg. No. 4400446, Registered September 10, 2013;
- OCTAGON GIRLS, Class 41, Registration No. 3931260, Registered March 15, 2011;
- THE OCTAGON OF POKER, Class 41, Reg. No. 4396410, Registered September 3, 2013;
- THE OCTAGON OF POKER, Class 42, Reg. No. 4396411, Registered September 3, 2013;
- EL OCTAGONO DEL UFC (translates to THE OCTAGON OF THE UFC), Class 41, Reg. No. 3569912, Registered February 3, 2009;
- POKER OCTAGON, Class 41, Reg. No. 4396414, Registered September 3, 2013;
- POKER OCTAGON, Class 42, Reg. No. 4396415, Registered September 3, 2013;
- IF IT'S NOT IN THE OCTAGON IT'S NOT REAL, Class 41, Reg. No. 3598929, Registered March 31, 2009; and
- IF IT'S NOT IN THE OCTAGON IT'S NOT REAL, Class 9, Reg. No. 3431804, Registered May 20, 2008.

15. Zuffa also owns numerous additional trademark registrations and applications for its famous and distinctive Octagon Design and marks incorporating the Octagon Design for a wide variety of other goods and services, including the following:

-  , Class 25, Reg. No. 4372982, Registered August 16, 2011;
-  , Class 25, Reg. No. 4222605, Registered October 9, 2012;
-  , Class 25, Ser. No. 86417293, Filed October 7, 2014;
-  , Class 25, Reg. No. 2981638, Registered August 2, 2005;
-  , Class 41, Ser. No. 86356955, Filed August 4, 2014;
-  , Class 9 , Ser. No. 86019719, Filed July 25, 2013;
-  , Class 41, Reg. No. 4706148, Registered March 24, 2015;
-  , Class 41, Reg. No. 2098577, Registered September 23, 1997;
-  , Class 28, Reg. No. 4634371, Registered November 4, 2014;
-  , Class 28, Ser. No. 86055968, Filed February 11, 2014;
-  , Class 41 , Reg. No. 4544845, Registered June 3, 2014;



- , Class 41, Reg. No. 3650069, Registered July 7, 2009; and



- , Class 41, Reg. No. 3052007, Registered January 31, 2006.

16. Because of Zuffa's significant investment in its OCTAGON Marks, the OCTAGON Marks have acquired fame, distinctiveness and tremendous goodwill in the United States and throughout the world.

17. On or about November 9, 2014, Applicant filed a trademark application for the Opposed Mark based on Applicant's alleged use of the Opposed Mark on bags and luggage-related goods.

18. Applicant is seeking registration of the Opposed Mark in International Class 18 for "[b]riefcases; [c]anvas shopping bags; [g]arment bags for travel; [l]eather shopping bags; [l]uggage; [m]esh shopping bags; [m]uzzles; [p]ocket wallets; [r]eusable shopping bags; [s]chool bags; [s]hopping bags made of skin; [s]hopping bags with wheels attached; [s]tring bags for shopping; [t]extile shopping bags; [t]ravel bags; [t]raveling bags; [u]mbrellas; [u]nfitted vanity cases; [v]anity cases sold empty; [w]heeled shopping bags.

19. In its application, Applicant alleges it first used the Opposed Mark in commerce on May 15, 2014.

20. Zuffa's OCTAGON Marks were famous and distinctive before Applicant began using the Opposed Mark in commerce on May 15, 2014.

21. Zuffa's OCTAGON Marks were famous and distinctive before Applicant began filed is application for the Opposed Mark on November 9, 2014.

22. Zuffa is informed and believes and thereupon alleges, Applicant is deliberately seeking to profit from the goodwill and popularity of Zuffa's OCTAGON Marks.

23. Zuffa will suffer damage including irreparable injury to its reputation and goodwill if Applicant is permitted to register the Opposed Mark.

24. Moreover, the Opposed Mark is likely to cause consumer confusion with one or more of Zuffa's OCTAGON Marks.

25. The Opposed Mark is virtually identical to Zuffa's OCTAGON trademark.
26. The Opposed Mark and Zuffa's OCTAGON mark are identical in sound and meaning.
27. The Opposed Mark and Zuffa's OCTAGON are identical in spelling, pronunciation, connotation, and convey virtually the same commercial impression.
28. Zuffa currently offer bags and luggage-related goods for sale bearing its trademarks, including its OCTAGON Design marks.
29. The goods for which the Applicant seeks registration of the Opposed Mark, namely, bags and luggage-related goods, are competitive, complementary, and/or related to the goods and services offered by Zuffa under its OCTAGON Marks.
30. The goods described in the opposed application for the Opposed Mark and Zuffa's goods and services are marketed and sold in the same or similar channels of trade, and are purchased by the same or similar general classes of customers.
31. Because: (1) Zuffa is the senior user; (2) the Opposed Mark is virtually identical to Zuffa's OCTAGON mark; (3) Applicant seeks to register the Opposed Mark for goods that are competitive, complimentary, and/or related to Zuffa's goods and services; and (4) the channels of trade and customer base for Zuffa's goods and services and the Applicant's goods are the same and/or overlap; the Opposed Mark is likely to cause confusion, or to cause mistake, or to deceive consumers.
32. In addition, the Opposed Mark dilutes Zuffa's OCTAGON Marks.
33. Zuffa's OCTAGON Marks are famous and distinctive.
34. As a result of Zuffa's extensive use of the OCTAGON Marks in interstate commerce in the United States and throughout the world, the public has come to associate goods and services bearing the OCTAGON Marks with Zuffa alone.
35. Without Zuffa's consent, and after the OCTAGON Marks became famous and distinctive, Applicant deliberately and willfully began using in interstate commerce the Opposed Mark on bags and luggage-related goods.

36. Without Zuffa's consent, and after the OCTAGON Marks became famous and distinctive, Applicant deliberately and willfully filed an application to register the Opposed Mark.

37. Applicant's use of the Opposed Mark in association with goods over which Zuffa has no control will cause the OCTAGON Marks to suffer negative associations and will undermine their capacity to identify and distinguish Zuffa's goods and services.

38. As a result, Applicant's use of the Opposed Mark wrongfully dilutes and harms the distinctive quality of Zuffa's OCTAGON Marks.

39. Zuffa hereby requests that the Opposed Mark should not be allowed to register.

WHEREFORE, Zuffa prays the opposition be sustained and that the Board refuse Applicant's application to register Applicant's OCTAGON (Stylized) mark.

Dated: May 14, 2015.

Respectfully submitted,

GORDON SILVER

/s/Michael N. Feder, Esq.

Michael N. Feder, Esq.

mfeder@gordonsilver.com

Joanna M. Myers, Esq.

jmyers@gordonsilver.com

3960 Howard Hughes Parkway, Ninth Floor

Las Vegas, Nevada 89169

(702) 796-5555 (phone)

(702) 369-2666 (fax)

CERTIFICATE OF SERVICE

I hereby certify that, on May 14, 2015, a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served by overnight courier and electronic mail to the following correspondent of record for Applicant:

Hangzhou Tracker Trading Co., Ltd.
4/F, South Gate, E, No. 391
Wen'er Road
Hangzhou, Zhejiang 310012
China
ip@bosnip.com

and

Yan Yi an
Dshin IP Law Firm
Lvling Road (Xinli-Huayuan), Siming Dist.,
Room 702, No. 248
Xiamen 361009
China
USA@bosnip.com
48837497@qq.com

/Sebastian Zarco/_____,
an employee of
Gordon Silver